

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

RECEIVED

JENNIFER P. CLARK,

Plaintiff,

v.

E. PAUL STANLEY and
JASON J. DEAL,

Defendants .

CIVIL ACTION FILE NO.

2:08-CV-173-MHT

2000 MAR 31 P 2:20

NO. 5-10687

**JASON J. DEAL'S
PRE-ANSWER MOTION TO DISMISS**

Defendant Jason J. Deal hereby moves the Court to dismiss the above-styled lawsuit against him for lack of personal jurisdiction and venue. As shown more fully in Defendant Deal's Brief in Support, Defendant Deal is a Judge of the Superior Court of Hall County, Georgia. Contrary to Plaintiff's repeated protestations, it is clear from the allegations in the Complaint that all actions taken by Judge Deal in connection with the events alleged in Plaintiff's Complaint were taken by him in his judicial capacity and as such, within the scope of his employment as a State officer or employee. Furthermore, Judge Deal is a resident of the State of Georgia with no ties or connections to the State of Alabama that would render him subject to the personal jurisdiction of this Court. Further,

the actions that form the basis of Plaintiff's allegations against Judge Deal were taken within the State of Georgia.

WHEREFORE, Judge Deal prays that the Court grant this motion and dismiss Plaintiff's Complaint against Judge Deal in its entirety. In the alternative, Judge Deal prays that the action be transferred in accordance with 28 U.S.C. § 1406(a).

This 27 day of March 2008.

THURBERT E. BAKER 033887
Attorney General

KATHLEEN M. PACIOUS 558555
Deputy Attorney General

LORETTA L. PINKSTON 580385
Senior Assistant Attorney General


ROBERT C. EDWARDS 241543
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PLEASE ADDRESS ALL
COMMUNICATIONS TO:

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing JASON J. DEAL'S PRE-ANSWER MOTION TO DISMISS, upon all other parties by mailing a copy of same to their counsel, postage prepaid, in the United States Mail, and addressed as follows:

Jennifer P Clark
107 Saint Francis Street
Suite 2403
Mobile, Alabama 36602

Christi Dickson Feeney
Hawkins & Parnell, LLP
303 Peachtree Street, NE
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Atlanta, Georgia 30308

This 27 day of March 2008.


ROBERT C. EDWARDS
ASSISTANT ATTORNEY GENERAL